

AMENDED IN ASSEMBLY MAY 19, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

Assembly Joint Resolution

No. 21

**Introduced by Assembly Members Migden, *Leach*, and
Torlakson**

**(Coauthors: Assembly Members Alquist, Aroner, Bowen,
Brown, Cunneen, Figueroa, Honda, Lempert, Mazzoni,
Ortiz, Papan, Perata, Richter, Shelley, Sweeney, Thomson,
and ~~Villaraigosa~~) Villaraigosa, Ackerman, Aguiar, Alby,
Baca, Bordonaro, Bustamante, Cardenas, Cardoza,
Ducheny, Escutia, Frusetta, Goldsmith, Granlund, Havice,
Hertzberg, Keeley, Knox, Kuehl, Machado, Margett,
Martinez, Morrissey, Murray, Napolitano, Prenter, Scott,
Strom-Martin, Takasugi, Vincent, Washington, Wildman,
Woods, and Wright)**

April 21, 1997

Assembly Joint Resolution No. 21—Relative to spent
nuclear fuel.

LEGISLATIVE COUNSEL'S DIGEST

AJR 21, as amended, Migden and Torlakson. Spent
nuclear fuel.

This measure would memorialize the President and
Congress of the United States to call upon the United States
Department of Energy to halt indefinitely the 5 planned
shipments of spent nuclear fuel rods through the San
Francisco Bay to the Concord Naval Weapons Station for land
transport to Idaho and would memorialize the Department of

Energy to prevent these shipments until specified actions are taken with regard to notice, safety and environmental impacts, and compensation.

Fiscal committee: no.

1 WHEREAS, The United States Department of Energy
2 has planned five shipments of spent nuclear fuel rods
3 from seven Asian nations through the San Francisco Bay
4 to the Concord Naval Weapons Station over the next 13
5 years, with the first shipment scheduled for early 1998;
6 and

7 WHEREAS, From the Concord Naval Weapons
8 Station, the spent nuclear fuel rods will be transported by
9 rail or truck through northern California, including
10 Sacramento, and through Nevada and Utah before
11 arriving at the United States Department of Energy's
12 National Engineering and Environmental Laboratory in
13 Idaho; and

14 WHEREAS, The proposed rail route from California to
15 Idaho will involve the shipments passing through the
16 Feather River Canyon where trains have derailed 28
17 times in 16 years; and

18 WHEREAS, The combined shipments of spent nuclear
19 fuel rods will involve approximately one-half ton of
20 uranium and small amounts of plutonium; and

21 WHEREAS, The planned shipments of spent nuclear
22 fuel rods will be made by private foreign flag ships; and

23 WHEREAS, The United States Department of Energy
24 intends to ship the spent nuclear fuel rods to the Concord
25 Naval Weapons Station in a total of 38 20-ton steel casks
26 purportedly able to withstand airdrops from 200 feet and
27 immersion in water depths of 650 feet; and

28 WHEREAS, The policy of bringing spent fuel from
29 foreign countries to the United States was adopted as a
30 part of the Atoms for Peace program enacted 50 years
31 ago, when 41 countries agreed not to make nuclear
32 weapons in exchange for enriched uranium to use in
33 research reactors; and

34 WHEREAS, Under the Atoms for Peace program, the
35 United States agreed to take the used fuel to relieve



1 foreign countries of problems with disposal and ease fears
2 about terrorists abroad using the fuel to make bombs; and

3 WHEREAS, Shipments of similar nuclear fuel rods
4 began on the east coast of the United States with no public
5 notice as early as 1958, with a total of 150 shipments
6 through the Charleston Naval Weapons Station in South
7 Carolina; and

8 WHEREAS, The Concord Naval Weapons Station has
9 been the secret west coast shipping point for nuclear
10 bombs and missiles since the beginning of the Cold War;
11 and

12 WHEREAS, The proposed route for the shipments to
13 the Concord Naval Weapons Station runs through the San
14 Francisco Bay area, placing over 6.5 million residents of
15 California's second largest metropolis in harm's way; and

16 WHEREAS, Portions of the San Francisco Bay area are
17 subject to intense shaking amplification and are still
18 recovering from major damage caused by the 1989 Loma
19 Prieta earthquake; and

20 WHEREAS, The planned shipments will result in
21 unreimbursed local government expenditures for
22 enhanced emergency and hazardous materials response
23 systems; and

24 WHEREAS, The United States Department of Energy
25 has inadequately addressed potential environmental and
26 safety impacts in the Final Environmental Impact
27 Statement for the shipment project and failed to fully
28 inform local communities in California of the catastrophic
29 impacts of a potential shipment accident; and

30 WHEREAS, If the steel casks containing the spent
31 nuclear fuel rods are breached, there is no assurance that
32 persons, land, and waters will not be exposed to
33 dangerous radioactive materials; and

34 WHEREAS, This state is committed foremost to
35 protecting the health and safety of its people and
36 environment; and

37 WHEREAS, On behalf of, and in addition to, local
38 government officials in the nine-county San Francisco
39 Bay area, including those with the City and County of San
40 Francisco, the San Francisco Bay Conservation and

1 Development Commission, and the Association of Bay
2 Area Governments, 11 Members of the Assembly have
3 requested that the state Attorney General sue the United
4 States Department of Energy for a federal court
5 injunction to halt the shipments through the San
6 Francisco Bay region to Concord; now, therefore, be it

7 *Resolved by the Assembly and Senate of the State of*
8 *California, jointly,* That the Legislature of the State of
9 California memorializes the President and Congress of
10 the United States to call upon the Department of Energy
11 to halt indefinitely the five planned shipments of spent
12 nuclear fuel rods through the San Francisco Bay to the
13 Concord Naval Weapons Station for land transport to
14 Idaho; and be it further

15 *Resolved,* That the Department of Energy is further
16 memorialized to prevent any planned shipments of spent
17 nuclear fuel rods until appropriate public notice has been
18 provided and the safety and environmental impacts are
19 fully addressed, including how the full catastrophic
20 impacts of a potential shipment accident would be
21 addressed by federal, state, and local governments; and
22 be it further

23 *Resolved,* That the Department of Energy is further
24 memorialized to prevent any planned shipments of spent
25 nuclear fuel rods until there is a legally binding
26 agreement that the federal government will fully
27 compensate local governments, the state, individuals, and
28 businesses that might be impacted by the shipments,
29 including compensation for any accidents or security
30 costs associated with the shipments; and be it further

31 *Resolved,* That the Chief Clerk of the Assembly
32 transmit copies of this resolution to the President and
33 Vice President of the United States, to each Senator and
34 Representative from California in the Congress of the
35 United States, and the Secretary of the Department of
36 Energy.



1		_____
2	CORRECTIONS	
3	Heading — Lines 8, 9, 10.	
4		_____
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